

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KEVIN DONNELL LEAKS, JR.,
Plaintiff

v.

**PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, et al.,**
Defendants

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No. 1:21-cv-00020

(Judge Kane)

ORDER

AND NOW, on this 16th day of July 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. The Clerk of Court is directed to amend the docket in the above-captioned action to reflect that Defendant Harden's true name is Master William Harden;
2. The motions to dismiss (Doc. Nos. 14, 25, 30, 41, 45) filed by Defendants Troutman, Davis, Nelligan, Harden, DeSando, and the DOC are **GRANTED**. Plaintiff's claims against Defendants Troutman, Davis, and the DOC are **DISMISSED WITH PREJUDICE**. Plaintiff's false reports claims against Defendants Nelligan, Harden, and DeSando are **DISMISSED WITH PREJUDICE**. Plaintiff's Fourteenth Amendment due process claim regarding false testimony is **DISMISSED WITHOUT PREJUDICE** to refiling should Plaintiff's convictions arising from the January 2, 2019 incident be invalidated. Plaintiff may not file an amended complaint in this matter;
3. The above-captioned action will proceed as to Plaintiff's Fourth and Eighth Amendment claims, as well as his assault and battery claims, against Defendants Nelligan, DeSando, and Harden;
4. Defendants Nelligan, Harden, and DeSando are directed to file an answer to Plaintiff's complaint (Doc. No. 1) within fourteen (14) days of the date of this Order; and
5. The parties are directed to complete discovery within six (6) months of the date on which Defendants file their answer.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania